IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29828 of 2007(A)

OPMV.348/2000 OF ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

PETITIONER:

TITUS P.J., S/O. JOSEPH, AGED 32 YEARS,
PALLIKATHAI HOUSE, PUTHUVYPPU P.O., VYPIN.

BY ADV. SRI.PAUL JACOB
SRI.PEARL K.DAVIS
SRI.I.K.RAJU
SRI.K.R.MURALI
SRI.K.M.AJTIH

RESPONDENTS:

1. ANIL KUMAR, S/O. RAJAPPAN,
KANAKAPARAMBIL VEETTIL, PUTHUVYPPU P.O., VYPIN.

2. K.P.SALIM, S/O. PAREED,
KUPPIAN HOUSE, CHELAMATTOM, OKKAL.

3. THE NATIONAL INSURANCE CO. LTD.,
PERUMBAVOOR BRANCH.

4. EVG. JOY K.B.,
NEW INDIA CH OF GOD, EDAKOCHI P.O.,
COCHIN, V.A.T. ROAD.

5. MR. JOSEPH BOSCO,
M/S. AVERY INDIA LTD., CUSTOMS JETTY LANE,
KALVATHY FORT COCHIN, COCHIN-682 001.

6. THE NATIONAL INSURANCE CO. LTD.,
ERNAKULAM BRANCH.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 29828 of 2007

Dated this the 9th October, 2007

J U D G M E N T

The challenge in this writ petition is against Exhibit-P9 order passed in I.A. 697/2007 in O.P. 348/2000 of the Addl. M.A.C.T. Ernakulam. By this I.A. petitioner sought a direction from the Tribunal to pass an order requiring the Insurance Company to produce the policy issued in respect of the offending vehicle. However, by the impugned order the Tribunal declined to pass such an order and hence this writ petition.

2. Learned Counsel would submit that the Tribunal ought to have passed an order requiring production of the insurance policy. On going through Exhibit-P9 order, I notice that it is the specific contention of the Insurance Company that they had not issued any policy in respect of the vehicle in question. If that be so, in the light of such contention, the order of Tribunal rejecting the application is to be upheld. This is all the more so for the reason that the petitioner could not produce to support his contention. He had only produced a paper which is described to be the receipt issued by the Insurance Company. This paper was made available for my perusal also. However,

even this does not conclusively show that the Insurance Company had in fact issued a policy.

In view of the above, Exhibit-P9 is liable to be upheld and the writ petition is to be dismissed and I do so.

(ANTONY DOMINIC, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007